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**TOWN COUNCIL**  
**Committee to Review Zoning and Permitting Regulations**  
**Selectmen's Conference Room**

Thursday January 09, 2020 – 6:00pm

**Councilors:**

Councilor Paula K. Schnepf (Chair)  
Councilor Jennifer Cullum  
Councilor Gordon Starr  
Councilor Kristine Clark  
Councilor Britt Beedenbender

**MEETING MINUTES**

**PRESENT:** Councilor Paula K. Schnepf; Councilor Jennifer Cullum; Councilor Paul Hebert; Councilor Britt Beedenbender; Councilor Gordon Starr; Councilor Kristine Clark; **ALSO IN ATTENDANCE:** Elizabeth Jenkins, Director, Planning and Development; Paul Wackrow, Assistant Planner; Gloria McPherson, Planning and Development; Brian Florence, Building Commissioner

Town Council Administrator opened the meeting at 6:00pm with Roll call; following Roll call the Administrator asked for nominations from the floor for Chair; a nomination for Councilor Paula Schnepf from Councilor Britt Beedenbender, this was seconded by Councilor Jennifer Cullum, seeing no further nominations, a vote was taken of the members present, it was unanimous in favor of Councilor Paula Schnepf as Chair of the Zoning and Permitting Regulations Committee.

**Public Comment:**

John Crow, Osterville Village Association asked what the rush was in getting these regulations in place, have we gathered all the information from the residents and the Civic Associations, seems like we are rushing to get these regulations in place without any input from citizens, or at least a working group of some kind so input is given. He would like to know who is drafting the Short Term Regulations and are we solely relying on Elizabeth Jenkins, are any of the residents going to have a say in these regulations as they are drafted. It looks like we are going to fast with no input or consideration of residents.

Heather Hunt, Osterville, Barnstable Watch, brought a document over to the office for 6 of the Councilors to look at. She had stated that the others would be delivered by a resident of Centerville. She has asked that the Committee look at the document presented and she would be glad to answer any questions regarding the information in it.

**Committee Response to Public Comment:**

Chair of the Committee accepted the document for review of the members. President Hebert urged everyone to look at the information in the document, there was some information that was in there that he was not aware of, and so it is helpful and useful for us to look at it when we are crafting the Short Term Regulations. There is information in it that explains how other communities like ours is handling this issue, we certainly are not the only coastal town that deals in short term rentals, so there is a

narrative on how other communities have handled this and seem to be managing it. This is not going to be easy, there are a lot of branched to this, but we will hopefully craft something that will work for everyone.

Councilor Beedenbender mentioned that the comment for rushing this process, it is because this is what we have heard from our residents, we need to get something in place, why are we moving so slow in the regulation process is what she hears from residents who have concerns about this. We hear you loud and clear, we understand the urgency, however we cannot be too hasty in developing the way forward because once it is crafted voted on and put into place if we do it to hastily it will not be a document that can be enforced or used by our Building Commissioner to enforce, so we are moving quickly, but not too quickly. The other comment made was who is crafting this document, we have very highly intelligent individuals that have for months looked at this and have gone to meetings, have held their own meetings and have taken into consideration the Civic Association feedback as well as survey results and resident input, we have employees here that do this every day in their job and do their job well, we have confidence in our staff and our departments to come up with a start of a document that can be used, it's not to say it will be the final document for consideration , but it will be a start, we can look at what is presented to this Committee and go from there.

The following document was submitted by Heather Hunt of Osterville, Barnstable Watch

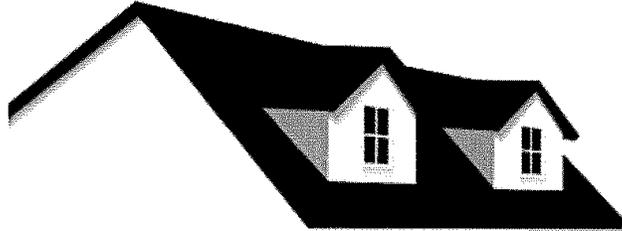
**To:           Members of the Town Council**  
**From:        BarnstableWatch.com**  
**Date:         January 2020**

In the summer of 2019, the Town wrote that it has been deliberating short-term rental regulations since August of 2018.

As we turn into 2020, homeowners in residential neighborhoods near properties that investors have flipped into make-shift hotels are living with the status quo. It's no way to live. Homes turned into revolving-door transient lodging is nothing like the Cape rental traditions that we're all familiar with, where families rent their homes to other families from time to time.

We're hopeful that in 2020, the Town acts - to preserve Barnstable as a place people want to live year-round and to afford us the protection of residential zoning laws.

We share here the material we've shared with others with a request for action in 2020.



**Coastal and tourist-friendly communities  
across the U.S. have said “no” to investors  
who flip homes into hotels.**

**Will we?**

*On the following pages: facts and information all Cape Cod residents should know*

**BarnstableWatch.com**

**In 2020, the Town Council will make decisions that will determine whether we can continue to live in our current homes.**

We bought our homes in Barnstable neighborhoods relying on zoning, which lays out the permitted use of land in single-family, residential areas. You and your family likely did the same.

But today, we live near homes that investors have flipped into de facto, makeshift hotels. Instead of neighbors, we have a steady stream of strangers in vacation mode coming and going, all the time. (This use is nothing at all like traditional Cape rentals, where families who own and live in their homes rent them from time to time.)

The Town resists enforcing laws now on the books to protect us. It has told many of us - overtly - to wait for new zoning regulations, whatever they may be.

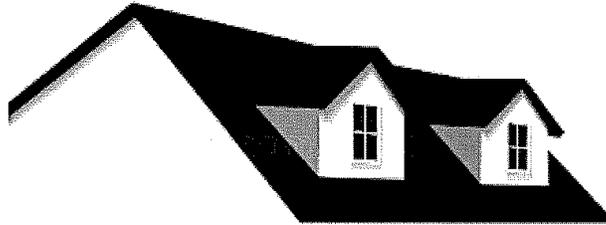
Barnstable says it has been deliberating new short-term rental regulations since August 2018. (We know this because it was stated in a Town filing to conceal from public view its communications about short-term rentals.)

We spent about \$300 on an Open Records request to see what was up. Here's what we found.

- The Town sought out Realtor and landlord views on short-term rental rules in the spring.
- The Town invited Realtors who serve on various boards into the short-term rental regulation development process. *We encourage the Council to ensure no one with a financial interest in the short-term rental revenue stream be decision-makers, or exercise influence, on new regulations.*
- The Town held only one, very small resident focus group many months later (a consultant asked a resident to put one together because the Town didn't).
- Finally, the Town sought Village Association input this fall. Feedback is pending. In our view, that should have been a first step, back in August 2018. *Village Association input is critical, and we urge the Council to give each Village Association's feedback great weight.*

In 2019, we had to work hard to be heard. We're grateful that a newly constituted Ad Hoc Zoning and Regulatory Subcommittee started taking public comment this summer.

This folder contains some of the material we've produced to help inform decision-makers. We hope you find it helpful.



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## TONIGHT WAS A VERY LONG TIME COMING

Recently, Barnstable's Zoning & Regulatory Committee asked for Village Association engagement in the short-term rental debate. The committee was reconstituted this past summer with new leadership, new members. Prior to that, Town Hall wanted to meet and strategize with commercial interests before talking to homeowners.

Read for yourself: the emails below were obtained with hundreds of others through an Open Records request. First, look at the only "stakeholders" the Town believed merited early input on short-term rental regulations.

Anderson, Robin

From: Florence, Brian  
Sent: Tuesday, May 21, 2019 8:25 AM  
To: Building Dept  
Subject: FW: Short-Term Rental Interviews

Hi Team... can you look below and make recommendations? It's ok if you do not know someone for a category and it doesn't matter if you have more than one in a particular category. Any suggestions would be helpful.

Thanks,  
-Brian

Subject: Short-Term Rental Ordinance Planning

I am looking for your assistance with identifying community members to speak with about short-term rentals. If you have any recommendations in the following categories, I'd appreciate your thoughts:

- Realtor who handles traditional summer rentals
- Realtor who handles residential sales
- Local attorney who does rental/zoning work
- Major landlord - year round
- Major landlord - seasonal
- Minor landlord - Rental "hobbyist"
- Local business owner dependent on tourist trade

The second email, heavily redacted, is characteristic of how Town Hall has dealt with homeowners. Under the amateur marker, you can see the Town employee responsible for zoning enforcement says he's "reticent" to respond to a homeowner requesting it "without a legal strategy."

From: Florence, Brian [mailto:Brian.Florence@town.barnstable.ma.us]  
Sent: Monday, May 13, 2019 1:46 PM  
To: Well, Ruth  
Cc: Ellis, Mark; Clyburn, Andy; Jenkins, Elizabeth

★ But change is in the air. **READ ON, GET THE FACTS, BE HEARD.**

## FIRST THINGS FIRST: WHO WE ARE

We are Barnstable homeowners living near short-term rentals (STRs) or worried we will be. We don't object to the tradition of Cape Cod families renting their homes from time to time. **We object to investors turning single-family homes into transient lodging.**

## HOW CAN WE NOT START WITH THE NEWS?

October 31: the 42<sup>nd</sup> shooting at a short-term rental in the U.S. since May



In a quiet, posh suburb of San Francisco, there was a mass shooting at an Airbnb-rented house. Five people died, 17 were seriously injured. Days later, the first-ever wrongful death lawsuit was filed against Airbnb and a homeowner, citing negligence.

Airbnb got good press for its quick decision to ban “party houses.” But there have been more #AirbnbShootings — *yes, it has a hashtag*— at smaller gatherings of people who know each other: three birthday parties, two graduations, many arguments mixed with alcohol and drugs, even a dispute over a parking spot.

November 5: voters in New Jersey told investor-operators to cease and desist

After New York City put strict regulations on STRs, they moved into Jersey City, which gave tourists fast, easy access to Manhattan. Most “hosts” were not home-sharers, but investor-operators buying up houses and pushing tourists into residential neighborhoods.

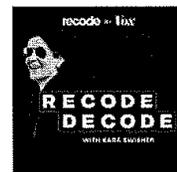
An overwhelming 70% of voters revolted. Now, owners can rent their actual, lived-in residences only, and must be physically present with their guests.

## AFTER A VERY BAD WEEK, AIRBNB AGREED: INVESTOR BANS ARE INEVITABLE

Airbnb's founder and CEO Brian Chesky fought investor bans and lost in New Jersey, Santa Monica, and elsewhere. He has now accepted them, pointing to Airbnb's headquarters city:

“Settled law is that every host in San Francisco has to register. They have to go to city hall, and get a registration. In the registration process, **all they're looking to do is make sure you rent the home that you live in, that it's not an investment property.** So, they provide documentation it's not an investment property.”

*Listen to the whole Recode/Decode episode 433 with Airbnb CEO Brian Chesky and Silicon Valley's leading journalist Kara Swisher wherever you get your podcasts.*



## **OTHER COASTAL COMMUNITIES PROTECT RESIDENTIAL AREAS**

### **The Hamptons**

New York's summer haven bans investor-owned transient rentals. Primary residences only, no rentals under 2 weeks, 4 unrelated adults occupancy max.

### **Newport**

This 15-beach community bans short-term home rentals without the owner present in the home unless it's in a district zoned for business, never residential.

### **Portsmouth**

This quintessential New England town has 18 miles of coast, lots of beaches. The NH Supreme Court ruled transient rentals are, like hotels, not allowed in residential areas.

### **Hilton Head**

With 12 miles of white sand beaches, tough regulation was inevitable. Among other things, 5 gated communities voted to ban short-term rentals entirely.

### **Virginia Beach**

No offsite STR "home" investors. There are strict occupancy limits, and owners not physically present with "guests" must get a conditional use permit.

### **Sanibel & Captiva**

These gorgeous Florida barrier islands protect residential areas. Home rentals require a minimum 28-day stay unless the property is in a tourist district.

### **Miami Beach**

Strict regulations include a mandatory sex offender registry check for "guests." Airbnb filed and settled a federal lawsuit, and paid Miami's \$380,000 in attorney fees.

### **Daytona Beach**

Transient home rentals are banned except for districts where hotels, motels, and bed and breakfasts are allowed. After lawsuits and appeals, the ban was upheld.

### **San Diego**

5 great beach communities make it a popular destination. San Diego cracked down. Assembly Bill 1731 says share your actual home only. It's expected to pass.

### **Santa Monica**

In this iconic coastal destination outside of LA, you rent your actual home only. Airbnb and Expedia sued. The U.S. Court of Appeals just upheld the investor ban.

### **Big Sur & Monterey**

Permits cost \$10,000. No transient rentals in Big Sur & Pebble Beach, very limited in Carmel Valley. Local enforcement is serious and scours sites like airbnb.com for violators.

### **Hawaii**

So many beaches, travel experts just rank the 25 best. Hawaii has some of the strictest STR regulations: specific short-term rental zones, and residential areas are protected.

## **GREAT TOURIST DESTINATIONS PROTECT RESIDENTS**

### **New York**

State law makes real estate investor-owned "home" rentals illegal. Rental sites must delete "hosts" with multiple properties. Airbnb sued twice and lost.

### **Boston**

Investor-owned Airbnbs are banned, you can only share a home you live in. Airbnb sued, then dropped the case, now abiding by what it called "heavy-handed" regulations.

### **Tahoe**

*Forbes* says it's a top place to buy a second home. Enjoy skiing, swimming, and golf, but no rentals in residential zones: transient rentals are banned in Tahoe's neighborhoods.

### **Denver**

With 31 million visitors a year, Denver bans profiteer Airbnbs. Rental licenses may be denied, suspended, or revoked if it's found the activity hurts the neighborhood.

### **Palm Desert**

This second home haven in California's Coachella Valley is home to golf courses, country clubs, and great shops. It forbids short-term rentals in residential zones R-1 and R-2.

### **Palm Springs**

A tourist favorite with over \$7 billion in annual spending, Palm Springs is meticulous about occupancy in short-term rentals. Two bedrooms, four adults max. Just like real life.

### **San Francisco**

Airbnb HQ city forbids real estate investors: you must live in the home at least 275 nights a year, be physically present with renters, and rent only 90 days a year.

### **New Orleans**

This tourist-dependent destination, from the French Quarter to the moss-draped Garden District, bans investor-owned "homes" turned into makeshift transient lodging.

## **ALL OVER THE WORLD, DESTINATIONS PROTECT LOCAL COMMUNITIES**

### **London**

Seeing "hollowed out communities," London enforces a 90-day-per-year limit on home rentals. Real estate investor Airbnb operators are not welcome.

### Paris

You can rent your own home, but investors and multiple properties are banned. There are limits on the number of days a home can be rented to tourists. Airbnb is suing.

### Amsterdam

Ah, those Dutch! You must stick to the original "homesharing" idea advertised by Airbnb: rent a spare room in your primary residence, while you're there, 30 days a year max.

### Spain

With tourists flooding neighborhoods, the beautiful cities Madrid, Barcelona, and Valencia were uninhabitable. No "professional" investor-owners, rentals in commercial areas only.

### So many more...

From Reykjavik, Iceland to Key West, zoning officials, town councils, and citizens are preserving quality of life. If Barnstable doesn't, it will be quite alone.

## THE MYTH OF SHORT-TERM RENTALS AND THE TOURIST ECONOMY

All these great destinations wouldn't restrict people from pushing transients into residential areas if it hurt their economies, would they? Here are some facts.

Morgan  
Stanley

A Morgan Stanley study of Airbnb found it doesn't affect tourism at all. It simply shifts tourists from hotels to residential zones.

**98% of Airbnb users say they wouldn't change travel plans if they couldn't get a STR, they'd stay at a hotel, motel, or bed & breakfast.**

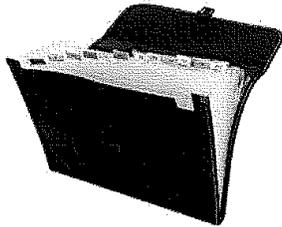
This nonpartisan think tank concluded Airbnb (and other STR platforms) bring costs to local jurisdictions that outweigh the benefits. Housing problems are exacerbated. And local revenues could be harmed if the apparatus for collecting STR taxes is less developed than the apparatus for collecting taxes from hotels.

**Economic  
Policy  
Institute**

The Economic Policy Institute also reports that the benefits of investor-owned rentals accrue disproportionately to the wealthy that buy houses to create income streams.

## **FACT: STRs IN RESIDENTIAL ZONES BURDEN-SHIFT TO NEIGHBORS**

**Did you know?** Barnstable requires all places that provide overnight lodging to transient guests — hotels, motels, bed & breakfasts, inns — to have on-site management at all times. If you currently live next to an investor-operated STR, you know why. Neighbors are the closest things to on-site management.



Town employees have talked about creating a “please behave” flyer to be posted in all residential zone STRs, and info packets for neighbors.

**If you suddenly need a special info packet from the Town of Barnstable to live peacefully in your home, trouble is on the way.**

Any enforcement of regulations will be complaint-driven: it will be your job to police and report occupancy and use violations that disrupt quiet enjoyment of your homes and put septic, abutting land, and property values at risk. (Ever tried to get enforcement around an overstuffed STR? It doesn't happen.)

## **FACT: AIRBNB AND OTHER STRs PUSH GROUPS, AGES 18-34, INTO RESIDENTIAL ZONES**

Statista collects data from market research firms and the economic sector. It reports that over 60% of Airbnb users are groups of Gen Z and Millennials.

**While we all have birthday and bachelorette parties in our backyards, the home next door to you should not be a venue for everyone's planned or spontaneous gathering, all summer.**

If you have the time and inclination, check out the “host” and “guest” reviews on the major STR websites. It's indisputable.

## **FACT: THE TOWN'S OPINION SURVEY IS FLAWED**

The survey was marketed to and by the 2,700-member Cape Cod & Islands Association of Realtors (CCIAOR). Minimally, it was posted on the CCIAOR website and Facebook page. The Cape and Islands STR giant weneedavacation.com, with over 175,000 vacationers and 4,000 property owners, also distributed the survey. Worse, the survey was “open access,” allowing anyone to take it, anywhere, any number of times. No matter what the results, it's unsound and should not be used as a basis for public policy.

## **“I CAN’T CONTROL WHAT THESE PEOPLE DO WHILE THEY’RE HERE”**

So said an investor-owner about the transient lodgers in his pay-per-night de facto hotels in Centerville and Osterville residential zones. He was speaking to a local investigative reporter in October 2019.



The investor is shown here in one of two illegally constructed attic bedrooms with no safe fire egress. It was reported to the Town in February. Five months later, the Town finally sent a Cease & Desist.

Are the unsafe, Cease & Desist bedrooms still being used? When the reporter asked the question, the investor replied: “They probably shouldn’t be...not technically.”

## **AT LONG LAST, IT’S YOUR TURN TO SPEAK**

The Town is concealing a number of internal emails about STRs back to August 2018, when it stated, in writing, that it began legally protected deliberations about new regulations. This means they’ve been working on zoning and regulations for fifteen months and counting.

Why so complicated? **Barnstable regulations should align with 2017 and 2018 Massachusetts Land Court rulings, which said** “Homes are expected to be used as residences, not for profit...From the neighbors’ perspective, it is all downside: a constantly-changing cast of strangers in the building or neighborhood, unknown cars on the street, and the traffic and noise...”

## **THANK YOU**

Thank you to Barnstable Village Associations for your leadership.

Thank you to the new Zoning & Regulatory Committee for wanting to hear us.

And most of all, thank YOU for being here tonight. Check <https://town.barnstable.ma.us> for public Town meetings. Try to attend. Bring a friend. And stay up to date at [BarnstableWatch.com](http://BarnstableWatch.com), just send a message. We don’t spam.

## THE MYTH OF AIRBNB, SHORT-TERM RENTALS & THE TOURIST ECONOMY



A 2017 study of Airbnb found it doesn't affect tourism. It simply shifts transients from hotels to residential zones. **98% of Airbnb users said they wouldn't change travel plans if a "home" was unavailable, they'd simply stay at a hotel, motel, or bed & breakfast.**

This nonpartisan think tank concluded Airbnb (and other de facto hotel platforms) bring negatives to local jurisdictions that outweigh any positives. It also reports that **the benefits of investor-owned rentals accrue disproportionately to the wealthy:** moneyed interests that snap up single-family homes to create income streams.

**Economic  
Policy  
Institute**

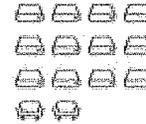


### PLATFORMS LIKE AIRBNB PUSH CASH-STRAPPED GROUPS, AGES 18-34, INTO RESIDENTIAL ZONES

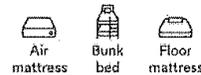
According to CNBC, **these younger people travel more than GenX and Boomers — but still spend far less annually:** 20% less than GenX and their families, and 40% less than Boomers. Look at your customers. Who are they?

Staying in residential zone makeshift hotels lets people drive pay-per-night costs down by exceeding occupancy limits, which then threatens our septic and water quality. >>> *The icons to the right are used on Airbnb.com to help "hosts" tell renters how many friends can pile in and divide costs.*

Businesses should also consider the value of Barnstable's residents and year-round economy. Talk has begun: groups of transients next door in our neighborhoods make living here unappealing and unsustainable.



Common spaces  
12 air mattresses,  
2 couches



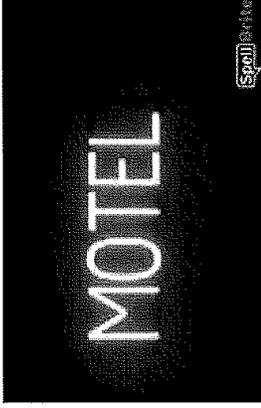
### AIRBNB LIKES TO ADVERTISE ITS EFFECT ON TOURISM DOLLARS. BUT THERE'S NO EVIDENCE OF IT.

In 2016, New York enacted tough restrictions. It's enjoying record-shattering tourism. (The Hamptons, New York's summer haven, is actually worried about overtourism.) The same holds true coast to coast, from Newport and Hilton Head to San Francisco and Palm Springs.

Barnstable is still hands-off on short-term rentals. **Airbnb has doubled on Cape Cod in the last three years, but Bloomberg reports a disappointing summer 2019:** the Fed blames media focus on sharks, three (rare) tornados, and a strong U.S. dollar, which sent tourists abroad.

**What everyone needs to know  
about Barnstable's impending  
short-term rental regulations.**

For more information, visit [www.BarnstableWatch.com](http://www.BarnstableWatch.com)



## **In Barnstable, it can happen to you anytime, right next door.**

When you buy a home next to other homes in a residential zone, you expect to get neighbors. In Barnstable, those neighbors may rent their home to other families from time to time.

But now, you can get a revolving door of strangers in a **"home" bought by a Real Estate Operating Company (REOC), and changed from a single-family dwelling into transient lodging.**

[www.BarnstableWatch.com](http://www.BarnstableWatch.com)

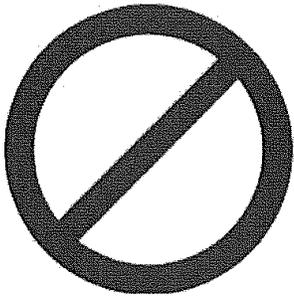


## **Coastal communities have protected themselves.**

All around the U.S., transient lodging Airbnb “homes” are banned.

**The Hamptons, Virginia Beach, Miami Beach, Santa Monica, Monterey, Big Sur, Pebble Beach, and others,** allow you to rent your actual residence only, and with maximum annual time limits.

Barnstable is late. And if it doesn't ban REOC investor-profiteers, it will be an outlier.



## **Consensus has formed: no investor-profiteers in residential areas.**

**They're also banned in New York, Boston, San Francisco, New Orleans, Denver and the Rockies, Paris, London, Amsterdam, Barcelona, Madrid, Reykjavik – the list goes on.**

These are some of the world's best tourist destinations.

Healthy tourism doesn't require commercialization of single-family residential neighborhoods. In fact, a year-round community, economy, and quality of life requires it be banned.



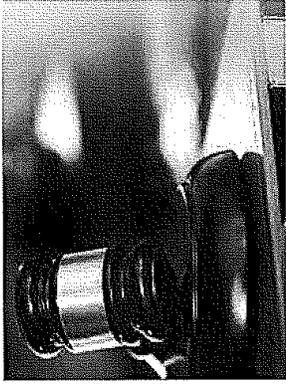
## **Litigation is already making the law clear and consistent.**

Airbnb, Expedia, and others have sued Santa Monica, Boston, Palm Beach, Miami – that list goes on too.

**The companies then lose or drop their cases, agreeing to abide** by regulations they had once called “heavy-handed.”

**The U.S. Court of Appeals, just one level down from the Supreme Court**, upheld Santa Monica’s regulations, including the investor-profiteer ban.

[www.BarnstableWatch.com](http://www.BarnstableWatch.com)

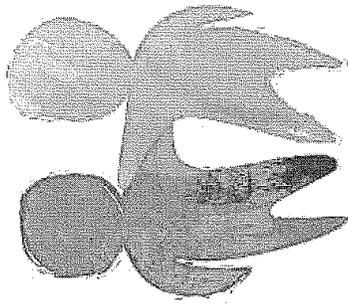


## Massachusetts Land Court rulings are clear, too.

2017: "...the [property owner] is essentially operating a commercial enterprise in a single-family residential zone. **Weekly rental use is inconsistent with the purpose of a single-family residence district...**"

2018: "From the neighbors' perspective, it is all downside...a constantly-changing cast of strangers in the building or neighborhood, unknown cars on the street, and the traffic and noise from parties. This has a community-wide effect as well as effects on the immediate neighbors."

[www.BarnstableWatch.com](http://www.BarnstableWatch.com)



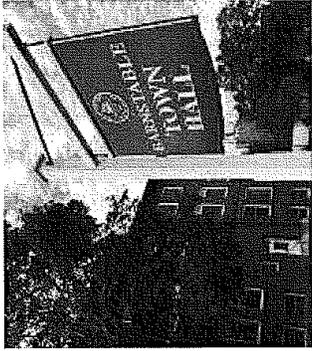
**In other communities,  
neighbors are being heard.**

**THE  
WALL STREET  
JOURNAL**

**“He told me in one year he raked in more than \$100,000 from this property. That’s quite a return, but his neighbors paid the price.”**

Denver bans investor-profiteers and had another great idea: any rental license it grants may be **denied, revoked, or sanctioned** if it's found the activity hurts the neighborhood.

[www.BarnstableWatch.com](http://www.BarnstableWatch.com)



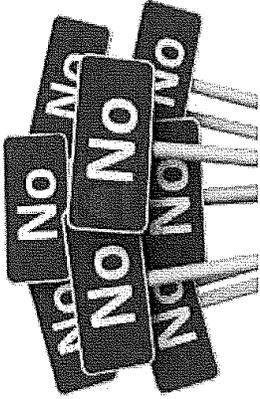
## **Barnstable officials ignore citizens and homeowners who seek relief.**

The Town's strategy is to ignore citizen requests for health, occupancy limits, and zoning bylaw enforcement.

The Town is unresponsive to homeowners even when it's legally required to answer. It's bad faith and bad government.

**Homeowners have been warned to "be careful" speaking up** because proximity to this type of transient lodging could hurt our property values and might need to be disclosed were we to sell.

[BarnstableWatch.com](http://BarnstableWatch.com)



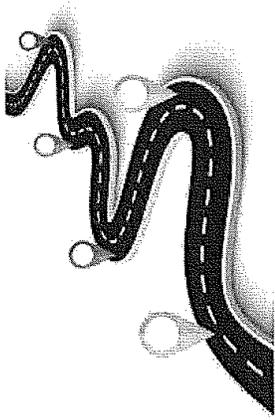
## **Why Airbnb investor-profiteers are so widely rejected.**

Profit motive drives everything, from regular occupancy violations that put septic systems at risk, to use as event venues.

### **Burden-shift to neighbors:**

- Neither absentee owner nor “guests” have current or ongoing relationship with neighbors
- Neighbors are forced to police violations that disrupt quiet enjoyment of their homes
- Presence of transients is why Barnstable requires hotels, motels, bed & breakfasts, inns to have on-site management

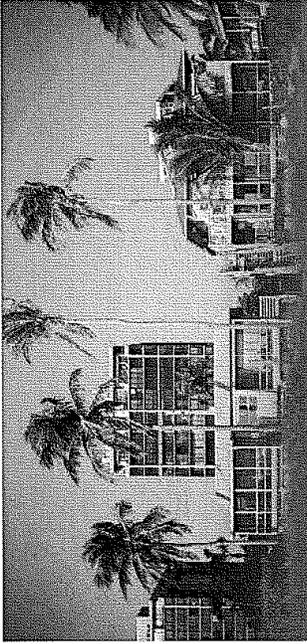
BarnstableWatch.com



## **Barnstable isn't first, we're almost last: examples of regulation elsewhere.**

Owners must be principal residents of homes they rent ♦ Owners must be present in the home during the rental ♦ Total rentals may not exceed 90 days per year ♦ Rentals less than two weeks not permitted ♦ Rentals less than 30 days not permitted ♦ No owners renting multiple properties ♦ Conversation with and consent of neighbors ♦ Licenses in prestigious destinations cost up to \$10,000 ♦ Licenses can be denied, suspended, or revoked if it's proven the activity harms the neighborhood ♦ A maximum of four adults can stay in any rental at one time ♦ Near a school, park, or playground? Owners must check all "guests" against sex offender registries ♦ Illegal listings are heavily fined

BarnstableWatch.com



**Short-Term Rental Regulations:  
Advocacy Tips to Protect the Right to Rent**

In the past decade, the popularity of short-term rentals has grown at a rate that has far outpaced governmental regulation. This surge in growth is largely attributable to the popularity of online hosting platforms, which make it easy for "hosts" to rent out a home or a spare room, and for "guests" to book them. State and local governments that were not prepared for the short-term rental market as it exists today have begun to catch up with many adopting regulations designed to "rein in" short-term rentals and address their perceived impacts on residential neighborhoods.

Many local governments have also taken the position that short-term rental regulations are necessary to protect renters from unsafe accommodations, and to achieve greater compliance with property maintenance and zoning codes. Some state and local governments have also turned short-term rentals into a revenue source by imposing lodging or other taxes on short-term rental stays.

Whatever the justification, local government regulation of short-term rentals is having a significant impact on property owners' right to rent out their properties on a short-term basis. As the voice of real estate, the National Association of REALTORS® is committed to protecting private property rights. State and local REALTOR® associations, while respecting community concerns, are well positioned to monitor state and local regulatory activity and to take action to protect private property rights.

This resource provides REALTORS® with the basis for arguing that the right to rent is a fundamental aspect of private property ownership, and making points to use in opposing proposed short-term rental regulations that would infringe upon this fundamental property right to rent.

Printed December 2018

NATIONAL ASSOCIATION of REALTORS®



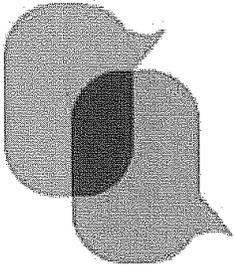
## When you hear from Realtors, remember they generally have a financial stake.

They know the subject and are standing up for their interests, as they should.

The National Association of Realtors has produced a lengthy guide on how to oppose regulation, from licensing to health and safety inspections:

**“Advocacy Tip: REALTORS® could oppose any mandatory inspection requirement that does not require the local government inspector to obtain a search warrant...”**

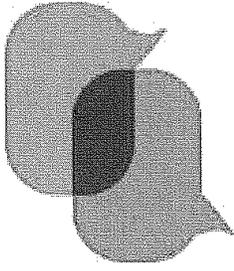
BarnstableWatch.com



## **Be prepared for all the talking points.**

***“80% of short-term rentals are rented by Realtors.”***

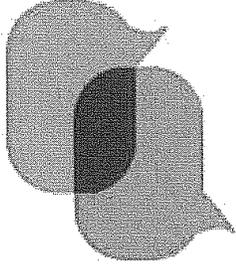
- So what?
- Are they handling investor-owned transient rentals of “homes” in residential neighborhoods? It’s wrong, no matter who’s doing it.



## **Be prepared for all the talking points.**

### ***“Airbnb users moderate themselves and hope for good reviews.”***

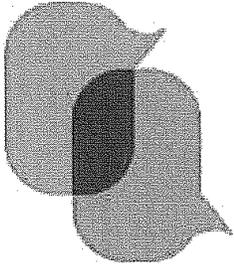
- Absentee investor-owner “hosts” have no idea how renters behave
- Neighbors are the only source of real experience
  - For example: one group of “guests” observed doing hard drugs were reviewed well by the “host” because the cleaning crew said they left things tidy
- The only thing online services know about renters is the credit card number of the one person who made the reservation: they specifically say they’re not responsible, can’t even be sure of real names



## Be prepared for all the talking points.

### ***“Airbnb and other short-term rental platforms are a boon for tourism.”***

- The Economic Policy Institute finds little evidence that the price of accommodations is a pressing problem for families in the U.S.
- *The Boston Globe* reports Cape Cod Airbnb-like listings have tripled in the last two years; so far, 2019 tourism is disappointing
- Most Airbnb users are not families: the majority are 18-34, groups looking for revelry (and they bring groceries, have parties)



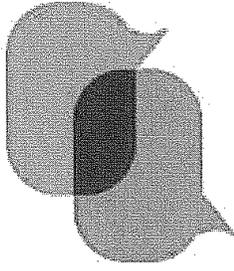
## **Be prepared for all the talking points.**

**“Police do not report an uptick in complaints related to Airbnbs.”**

- So what?
- Is that our standard?
- Most people won't make a neighborhood problem a police matter
- When you go home tonight, Google “Airbnb shootings,” it's a thing now; since May of this year, there have been 21 in the U.S.

**43**

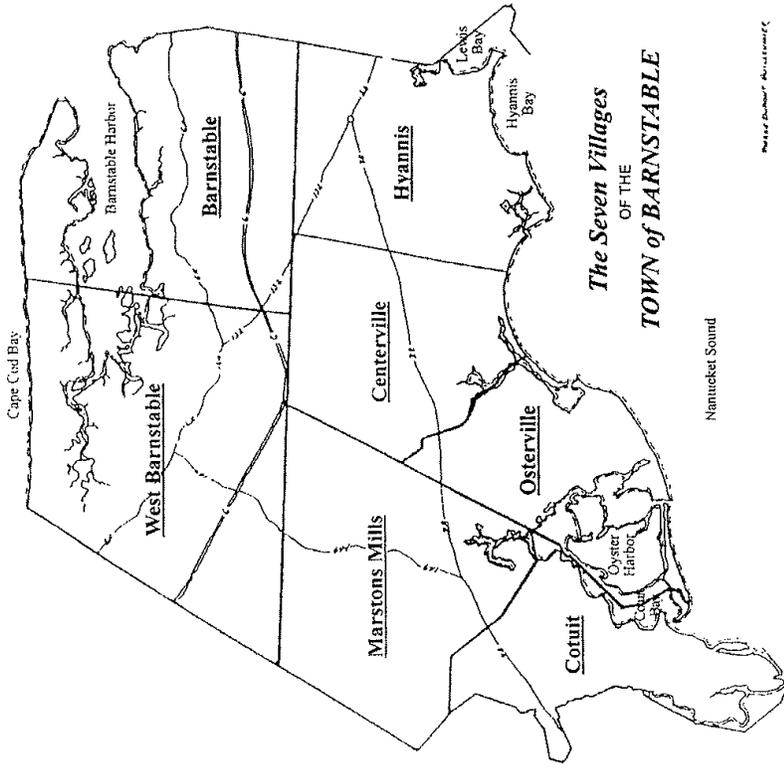
updated winter  
2019



## **Be prepared for all the talking points.**

***“We want public opinion, so we’re going to do a survey.”***

- Open Access surveys and are easily influenced by those who would stuff the ballot box: Airbnb, Vrbo, Expedia, and Realtors with email lists and CRM platforms
- After necessary public education, is the Town able to field a fair, scientifically valid survey with a method for selecting random samples from general e-mail addresses?
- The views of residents who have lived experience with transient rentals next door should be given appropriate weight



## **Our 7 villages need community outreach, education, and respect.**

The Town should work with all the Village Associations to conduct **informational forums before any opinion survey is done.**

This issue affects every Barnstable homeowner. Full-time, investor-run, homes-as-hotels can appear in any residential area. It deserves a public airing in each village.

## **About us: BarnstableWatch**

We are homeowners who live next door to "homes" operated by investors as pay-per-night, transient lodging (or worried we will be).

Our participants have researched community best practices, engaged a designer to build a rich website, distributed flyers to raise awareness, written letters to the editor and an op-ed for the *Cape Cod Times* and *Barnstable Patriot*, reached out to local homeowners' associations, produced a resident focus group for Town "stakeholder" interviews that appeared to be dominated by commercial interests, testified before the Zoning Board of Appeals, and done an Open Records Request to learn why the Town tells citizens who raise short-term rental concerns to go home and wait.

We believe Barnstable's new regulations should align with other coastal communities and 2017 and 2018 Massachusetts Land Court rulings about the use of single family homes in residential areas. *Why would we do anything else?*

[www.BarnstableWatch.com](http://www.BarnstableWatch.com)

## **Thank you.**

For more information, or to request  
a speaker for your community group,  
go to [www.BarnstableWatch.com](http://www.BarnstableWatch.com)



# CAPE COD TIMES

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Opinion

## **Cheers & Jeers**

Posted Nov 29, 2019 at 3:01 AM

### **Clamp down on glorified hotels in neighborhoods**

You know there is an emerging problem on the Cape when we see an increase in the number of letters to the editor related to the problem. We are talking about the proliferation of high-turnover rentals in respectable neighborhoods driven by such companies as Airbnb.

We are not talking about owner-occupied homes that occasionally rent out rooms on Airbnb. We are talking about nonresident investors buying single-family houses and flipping them into pay-per-night motels in residential neighborhoods.

Cape towns must do a better job of enforcing restrictions of its residential-only zones.

In Providence, Rhode Island, if a home is owned by someone who doesn't live there, short-term rentals in residential districts will be prohibited beginning tomorrow. New regulations will also require owners who want to rent the entire house to get a permit from the city. There will be no change for owner-occupied homes renting out rooms.

"What we're trying to prevent is investors buying property in certain residential zones and using them exclusively as income-producing property," Deputy Planning Commissioner Bob Azar told NBC 10 News.

He explained that short-term rentals can generate so much more money than traditional monthly rents, some investors are buying properties to use exclusively as nightly and weekend rentals. The result undermines a neighborhood's cohesion and eliminates a lot of potential housing.

### **Warming weather likely to bring more toxic blooms**

A bright green river in Mashpee should raise red flags in every town across the Cape.



# CAPE COD TIMES

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Opinion

## **Realtors have complicated relationship with rental platforms**

**By Heather Hunt**

Posted Dec 10, 2019 at 3:01 AM

Writing this column pains me.

I come from a family of Realtors and builders. My mother's real estate business put my sisters and me through school. Her car backed out of the driveway early in the morning and returned late at night. She skipped meals and worked weekends. I also remember my family renting summer vacation cottages that my great uncle built on Cape Cod.

But here we are.

On Nov. 20, the CEO of the lobby group Cape Cod & Islands Association of Realtors (CCIAOR) wrote a letter to the editor. It said there are two traditional types of homeowners who rent out their properties: "second-home owners who rent during the summer to defray the cost of homeownership, and owners renting out their future Cape Cod retirement home until they move here permanently."

Upon reading this, my colleagues at BarnstableWatch.com were delighted. We agree, and have always supported these two local rental traditions. This Realtor view also seems to comport with a Cape Cod Times editorial that expressed concern about the proliferation of Airbnb rentals, specifically "investors buying single-family houses and flipping them into pay-per-night motels in residential neighborhoods."

We had also been surprised and delighted weeks earlier with a social media post by the Realtor lobby group. It said the short-term rental market is "rapidly changing." Short-term rentals on the Cape have doubled in three years. Now, Barnstable homeowners in year-round, residential

neighborhoods are getting multiple mailings from Airbnb, Hotels.com, and other platforms urging them to turn their homes into income-producing machines.

Because we support rental traditions and are only concerned with homes used as makeshift hotels, BarnstableWatch.com discussed reaching out to Realtors.

But we still can't shake what happened last summer. In July 2019, CCIAOR adopted a policy that stunned us.

In effect, Realtors said investor-operated commercial Airbnb "homes" are appropriate in residential districts, and zoning laws shouldn't regulate where they belong. The kind of regulation they do support: nuisance-style ordinances.

Let's talk about what a nuisance-driven, complaint-driven system really means.

First, in our experience, and based on a review of town records, enforcement officials will ask for evidence of problems like noise and occupancy violations. So you'll need to photograph your "neighbors," count cars and transport vans, and make contemporaneous notes.

Second, every other place of revolving-door lodging – inns, bed and breakfasts, hotels, motels – is required by the town to have on-site management. Did a Realtor sell you a home in a nice single-family residential district with actual neighbors? Sorry. There will be a new group of unsupervised transients next door soon - and all the time.

Those of us who've been doing it for some time can tell you, this is no way to live.

We believe it's time Barnstable joined other communities, coast-to-coast, from the Hamptons to Monterey, that have banned investors from turning single-family homes into transient Airbnb lodging. Most of these places have also been breaking tourism records, so don't fall for the story that a tourist economy requires hollowed out neighborhoods.

Airbnb has compromised some Realtors who, of course, have an economic interest in the selling and renting of properties. New York City filed suit against a prominent real estate brokerage firm for changing apartment listings into illegal short-term rentals, using fake Airbnb "host" identities,

and pocketing \$21 million. Today, Century 21 has a deal with Airbnb in Paris to get around rules the city enacted to stop investors from ravaging neighborhoods. If it works, the real estate company will pocket seven percent of rental revenue.

To the good members of the CCIAOR: you helped us all find our homes in single-family zoned neighborhoods. Please join us in protecting them.

*Heather Hunt lives in Osterville.*



# CAPE COD TIMES

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Opinion

## Like Facebook, Airbnb is now our problem

By Kristen Wolff

Posted Jul 1, 2019 at 3:00 AM

Updated Jul 1, 2019 at 7:04 AM

As a college sophomore, Mark Zuckerberg never imagined his website FaceMash, which let users vote “hot or not” on female undergrads, would become Facebook.

Today, Facebook’s 2.38 billion users include my 154 “friends,” Russian bots, ISIS recruiters, and the Myanmar military, which used it to incite ethnic cleansing. Zuckerberg apologizes frequently and welcomes government regulation. He also funded a research project to assess social media’s impact on democracy.

Now another young CEO has lost control over what he created. Like Facebook, it’s become our problem, not his.

Brian Chesky was 27, living in San Francisco, struggling to pay rent. So he bought air mattresses, put up a website, and took three strangers in, each paying \$80 per night. His website became Airbnb, now a global juggernaut with a pre-IPO value of \$38 billion.

Airbnb’s official story of sharing a spare room with a traveler for a little extra income isn’t supported by the data. What really happened, what Chesky failed to imagine, was power users operating full time, a revolving door and de facto motel chains.

Inside Airbnb, a watchdog organization established by Australian housing activist Murray Cox, collects data showing that most listings are for entire homes, not rooms. According to a report published by the American Hotel and Lodging Association, entire homes produce 81 percent of Airbnb’s revenue. It has been reported that in some popular destinations, 65% to 70% of “hosts” are

commercial rental operations, some hiding behind host profile photos of “Bob” and “Mary.” Last summer, Forbes reported the vacation rental company Sonder Corp. has 2,200 Airbnb properties in 11 cities, and \$135 million in venture capital.

Airbnb and its competitors, like Vrbo and HomeAway, are attractive to bad actors because they provide anonymity. While there are plenty of unremarkable rentals, and responsible hosts, London initiated a crackdown that was inspired by pop-up brothels. The only thing Airbnb really knows is the credit card number of the one person who performed the transaction.

Destination communities are now working to compel Airbnb to abide by its original mission. Homeowners have to be primary residents of the property. Many require that hosts be physically present with renters, ensuring they don’t become the neighbors’ problem.

While Barnstable welcomes summer tourism, it’s also home to many people. I don’t live here, my mother does. She dislikes this term, but I’ll use it: Mom is a senior citizen. I don’t like thinking about a stream of strangers coming and going next door, with an agreement that says “parties OK.” Mom has a 6-year-old granddaughter who visits frequently. No, I do not like the idea of her playing out back next to a de facto motel, home to no one. Would you?

The Economic Policy Institute points to reasons that hotels are clustered away from residential areas, and finds a “strong possibility that (Airbnb) units are indeed imposing large costs on neighbors.” According to the Williams College Department of Economics, there are “mechanisms that may cause property values to decrease” and “might make living near concentrations of Airbnb units unpleasant.” Realtors are debating whether proximity to commercialized homes should be added to disclosure forms.

Beginning today, the state’s 5.7% hotel tax will be extended to short-term rentals. The law establishing that tax contained a provision creating the Cape Cod and Islands Water Protection Fund with an extra 2.75% local surcharge. Boston also decided to ban investor “hosts” with multiple property listings, and Airbnb sued. As Barnstable officials discuss rezoning - at the moment, behind closed doors - are they worried about being sued, too? Probably. Litigation is one of Airbnb’s go-to business tools.

Silicon Valley likes to say its goal is to make the world a better place. Former Facebook and Google engineers have set up a painfully candid “Ledger of Harms.” While they believe digital innovation has benefited society, it has also done great damage.

To that Ledger of Harms, it’s time to add this: the downgrading of our neighborhoods.

In a 2018 Vox Media interview, it was suggested to Brian Chesky that Airbnb is “a great thing for the traveler, but it might suck for the person living next door.” Brian nodded in agreement. “It does sometimes suck.”

People living next to a home that’s turned into a commercialized Airbnb or worry they suddenly could be are advised to visit [www.BarnstableWatch.com](http://www.BarnstableWatch.com), an organization of Barnstable residents concerned about homes used as revolving-door hotels.

*Kristen Wolff, a frequent visitor to the Cape, lives outside Dallas, Texas.*



Opinion

## Other municipalities regulating short-term rentals; we should too

Posted Dec 3, 2019 at 3:01 AM

As longtime Centerville residents, we suggest Barnstable residents view a news clip from the NBC station in Providence, Rhode Island, that discusses the new regulations in that city to address the growing problems resulting from short-term rental properties (see [tinyurl.com/scd6las](https://tinyurl.com/scd6las)).

Short-term rentals in Providence's residential districts will not be allowed unless the owner lives in and is present at the home during the rental. The city's deputy planning commissioner, Bob Azar, is quoted as saying, "What we are trying to prevent is investors buying property in certain residential zones and using them exclusively as income producing property. ... This type of rental arrangement is by the evening or by the weekend and is a much more intensive commercial-type use."

Those of us who have voiced concerns about short-term rentals in Barnstable are not trying to end the monthlong and/or seasonlong rentals managed by reputable local Realtors, long a tradition on Cape Cod. It is the transient nightly, weekend-only and weekly rentals that are offered on multiple online platforms that are the source of the problems. They have created traffic, parking, trash and noise problems in our once-quiet, beautiful, residentially zoned neighborhoods.

We ask Barnstable officials to look to what other towns and cities across the country are doing to address this very important issue. Action must be taken soon, before the problems created by short-term rentals grow out of control and cause a significant deterioration in and irreparable harm to the quality of life here.

**Bob and Anne Schulte, Centerville**

## The Barnstable Patriot

Opinion

### **Barnstable must enforce zoning to end proliferation of rogue hotels**

Posted Nov 30, 2019 at 3:01 AM

In his Nov. 21 letter, “Opponents of short-term rentals sink to using scare tactics,” Ryan Castle, the CEO of Cape Cod and Islands Association of Realtors, claims my Nov. 9 letter negatively targets traditional Cape Cod short-term rentals, which I specifically exempted from criticism. I do not have a problem with traditional Cape renters who use platforms like Airbnb instead of paying fees to Realtors; they are also paying short-term rental taxes to the town.

I do have a problem with nonresident investors buying single-family houses and flipping them into pay-per-night hotels, causing havoc in residential neighborhoods. These investors pay both commissions to Realtors and short-term rental taxes when tourists rent from them. Hmmm. Could this be the reason Mr. Castle creates the false impression I am against all short-term rentals, which indeed generate important revenue for the town?

I agree the town’s \$1 billion wastewater problem is seriously concerning, but two wrongs cannot make that right. In addition to ruining neighborhoods, these rogue hotels routinely exceed occupancy/health code limits, thereby adding even more stress to our failing wastewater systems.

In response to Mr. Castle’s invitation, I am already actively engaged in numerous open conversations with civic associations and the town about responsible short-term rental regulations. Now I invite Mr. Castle to join me in insisting the town of Barnstable enforce the restrictions of its residential-only zones, which would actually resolve the “rogue hotel” problem in our neighborhoods and, in doing so, essentially separate it from the short-term rental issue.

**Kathleen Holcombe, Centerville**

# The Barnstable Patriot

**Guest Opinion**  
**September 25, 2019**  
Amy Hunt

## **Airbnb and the ADA are on a collision course**

You never know when you'll come to love the Americans With Disabilities Act (ADA).

For me it was just over five years ago when I became a wheelchair-using paraplegic. Also, when my 85-year-old mother used a wheelchair before and after hip replacement. And again when my 7-year-old's friend broke a leg skiing and had to use a chair for a while. You just never know, do you?

The ADA guarantees people with disabilities the same opportunities as everyone else to participate in the mainstream of American life. Any entity open to the public is a public accommodation, and has to remove barriers that keep me out.

Transient lodging is heavily regulated by the ADA.

The exceptions cover most traditional Barnstable vacation rentals: a getaway with 5 rooms or less, and a home that's the owner's actual, lived-in residence rented to other families for a limited time. But Airbnb accommodations owned by real estate operating companies and other investors likely have ADA obligations.

The question will surely be tested — though not in other coastal communities from The Hamptons to Pebble Beach. They allow only the rental of one's real residence for a limited time, and are therefore exempt. The question also won't be tested in tourist-friendly cities from Boston to San Francisco that have similar rules. Barnstable is an unknown; it's working on new short-term rental regulations now.

On a web page entitled "What does Airbnb do to support accessibility?" the company spends 16 paragraphs to say, "talk to the homeowners, not us."

So let's do that.

The ADA and the Massachusetts Public Accommodations Law impose burdens. Investors who buy single-family dwellings and change their use to transient lodging may be required to undertake "readily achievable barrier removal." Judgments are made case-by-case and take the property owner's financial resources into account. There are also tax incentives.

According to ADA Title III regulations for readily achievable barrier removal, the first priority is access. Start by building a 36-inch wide ramp with a maximum slope of 1:12 so people like me don't maim ourselves even more. Doorways also need to be widened to a 36-inch clearance. A bit lower on the priority list is an accessible bathroom that's wide enough for a wheelchair to turn in, with specific sink height and knee clearance, and specific distance between the toilet and walls.

Today, Airbnb does require operators to accept Service Dogs and even Emotional Support cats, rats, and turkeys. But this ADA compliance costs operators nothing other than their opinions.

There are an estimated 3.3 million wheelchair users in America. Accessibility complaints can be filed with the Commonwealth of Massachusetts to spur action anytime.

Running public accommodations isn't easy, cheap, for amateurs, or a lark of an investment strategy. Nor should it be.

FOR IMMEDIATE RELEASE

Date: October 1, 2019

Contact: [REDACTED]

**Short Term Rental public input survey missing main question:  
BarnstableWatch asks residents to add it to their responses.**

Many coastal, tourist, and other communities across the country have passed short-term rental regulations to maintain housing, character of community, and quality of life. The Town of Barnstable is now conducting an online survey to learn what residents here think of short-term rentals in their neighborhoods. This is a laudable goal. We encourage residents to express their views about the use of homes next door.

BarnstableWatch hoped the Town's survey would ask one clear question to learn how residents feel homes in their Barnstable neighborhood should be used:

***Q: Should corporate entities and real estate investors be able to buy single-family homes in residential neighborhoods and change their use to transient lodging?***

The Town has longstanding traditions where Cape families rent their homes to other families from time to time. That's very different than investors' transient lodging accommodations in residential neighborhoods, made easier by platforms like Airbnb. It is important not to blend those two very different uses.

The Town's survey does not include that key question. It also eliminated a place for citizen comment at the end of the draft survey. Barnstable Watch urges citizens to answer this key question in the only space for resident comment that will appear: in response to a 'yes' answer on page 1, question no. 3. [Open Access STR Survey here](#)

**We also let the Town know "Open Access" surveys have significant infirmities.**

Open Access surveys are very different from surveys that randomly select participants to get a representative view of a community. Open Access surveys are unscientific and easily influenced by those with financial interests and the means to reach an audience. For example, companies like Airbnb and HomeAway use communication channels with their professional "Superhosts" to message locally. The National Association of Realtors has made "talking points" for its broad membership to use in opposing proposed short-term rental regulations.

We appreciate the Town's public outreach. We encourage citizens to participate in the survey and also to send their views to their Town Councilors. However, we urge caution in basing zoning decisions on Open Access survey results.

*For information about how other coastal communities and vacation destinations regulate transient "home" lodging and real estate investment operators, visit:  
[www.BarnstableWatch.com](http://www.BarnstableWatch.com)*

# BarnstableWatch.com ALERT

## Flawed Online Opinion Survey on Short-Term Rentals

The Town of Barnstable is creating new zoning rules for short-term rentals in all our residential neighborhoods and seeks public feedback in the form of an on-line survey available through November 1, 2019.

The following identifies serious flaws in the survey and encourages homeowners, Village Associations, and others who care about quality of life and character of our neighborhoods to communicate concerns directly to the Town at Council at [council@town.barnstable.ma.us](mailto:council@town.barnstable.ma.us).

### The flaws, in short

1. **The Town declined to include the *one key issue* identified by residents:** investors converting homes to transient lodging.
2. **Resident views will be swamped by those of business interests:** for example, the Cape Cod & Islands Association of Realtors posted and "Facebook"-ed the survey and [weneedavacation.com](http://weneedavacation.com) distributed it to those with a financial interest in its outcome.
3. The survey relies on self-reported zip codes, and can be submitted with no zip code at all, and **allows anyone anywhere, to take it.**

### The details

1. **Without explanation, the Town decided not to include the *one key question* Barnstable residents identified as *the key issue*:**

*Should real estate operating companies and other investors be able to buy homes in residential areas and change their use from single-family dwellings to transient lodging?*

The Town conducted a residential focus group to get feedback on new short-term rental regulations in July 2018. We urged the Town's consultant to hear from residents because "stakeholders" to whom Town Hall directed its consultant for early input were business interests: realtors, landlords, attorneys who work with them. (Town records confirm that focus.)

The residential focus group's answer to the question above was an overwhelming "No." Participants said investor-owned transient rentals was a very different use than Cape families renting their homes from time to time, as is our tradition.

The Town also struck a "Comment" box from its draft survey where citizens could have stated views on this or other issues. Residents who do not believe commercial real estate companies should use homes as transient lodging should tell the Town: [council@town.barnstable.ma.us](mailto:council@town.barnstable.ma.us).

# BarnstableWatch.com ALERT

## Flawed Online Opinion Survey on Short-Term Rentals

### **2. The survey doesn't distinguish between Barnstable homeowner responses and responses from those in and outside of Barnstable with economic interest in the outcome.**

For example, and no doubt among others, the Cape Cod & Islands Association of Realtors posted and "Facebook"-ed the invitation to its members to give "public" input to the survey and weneedavacation.com, a Cape and Islands short-term rental enterprise, emailed the survey to those with financial interests in its outcome.

It will be no surprise that the short-term rental industry will respond in full force to protect its business and that real estate agents will generally reflect their national trade association's published "advocacy tips" to oppose short-term rental regulations in order to "protect property rights." The Town's interest in the real estate and short-term rental industries' views is reasonable; structuring one anonymous "public" survey in a way that allows business perspectives to swamp resident perspectives is not.

### **3. Valid polls and surveys are designed scientifically, to provide genuinely representative community views. This one is not.**

- "Open access" surveys allow anyone to participate. They don't produce reliable data.
- Survey respondents don't need a confirmed Barnstable zip code or any zip code to submit.
- The rule for the Town's open access survey is "one survey per device." According to Pew Research, the average American household has five internet-connected devices (smartphone, desktop/laptop computer, tablet, streaming media device). We know of people submitting multiple surveys.
- Airbnb (and others) spend significantly, and under the radar, to influence local decisions. For example, Airbnb is currently spending \$3 million in Jersey City to influence new regulations. Airbnb has begun emailing homeowners in Barnstable villages encouraging them to rent their homes. There is no reason to believe Airbnb is not working on influencing outcomes here.

We encourage homeowners, Village Associations and others concerned about investors turning homes into transient lodging to express that concern to the Town at [council@town.barnstable.ma.us](mailto:council@town.barnstable.ma.us). We encourage the Town not to base decisions about the use of homes in our residential neighborhoods on a flawed and unreliable survey.

Coastal and tourist-dependent communities across the country have already acted to protect residential neighborhoods from investors using homes as pay-per-night hotels. It's time for Barnstable to do the same. Learn more at [www.barnstablewatch.com](http://www.barnstablewatch.com).

**Contact: Heather Hunt, Kathleen Holcombe et al., Town of Barnstable's residential focus group participants and members of BarnstableWatch at [barnstablewatch@gmail.com](mailto:barnstablewatch@gmail.com)**

Chair of Committee introduced Elizabeth Jenkins, Director of Planning and Development who sees this process as a two prong solution. Her staff has been working very hard to gather all the information that has been given and forwarded to her and her staff on Short Term Rentals. Ms. Jenkins feels that with all the information supplied so far that a rough draft of a document could be presented to this Committee by the next meeting in February. Her staff has been working very hard to come up with a document that will have some strength in enforcement added to it so that our Building Commissioner has something he can use when needed to enforce. Currently our Building Commissioner has nothing to say that you cannot rent your home in Barnstable. Our community for as long as she can remember has always been in the rental area, people want to come to the Cape and do not want to always stay in a hotel, some like to stay in a private home. Ms. Jenkins hopes to deliver a first draft of a document at the next meeting.

Discussion regarding if the Short Term Rental process needs new members appointed or at-large members, at this time the Committee feels it is not need to add more members to the Committee.

The following document was introduced from the Greater Hyannis Civic Association meeting held to discuss this topic with the members; the following is a transcript of comments from that meeting.

#### **Greater Hyannis Civic Association**

**Meeting of January 7, 2020**

#### **Short-term Rental Discussion Notes**

Larry – the issue started out with corporations renting, but we need to work it out for residents who want to rent their homes.

Felicia – short term rentals change the neighborhood. In her neighborhood, people buy houses and never occupy them, use them for parking for the ferries. Could easily see them being converted to STRs. This is not legal because it's a residential zone. If you're renting for income, it's a commercial use. No issue with long-term, year round renters. Issues with STRs: constant turnover, noise, the town has no appetite for enforcement. Suggestions: define the use as commercial; Town needs to budget for enforcement and assign resources.

Tom Cambereri – lives in Centerville, property owner in Hyannis. Neighbor bought a big house, made improvements such as a pool, and now it's almost a resort. Renting to only families has helped with noise problems. Has had well-behaved Short Term Renters (STR) next door for 2 years with no problems; however, the property owner isn't maintaining the property as well as they should. Suggestions: if renting, owner should provide contact information to neighbors; who do you call for enforcement?

Deb Krau – the Town has not enforced Chapter 176 – Keeping of the Register, so if we can't get that enforced, what additional can we ask for?

Bob Woods – people aren't registering their rentals. Neighbors complained and three rentals got registered because of it. Suggestion: would like abutters to be notified when properties are registered as rentals.

There was general discussion regarding Communication, both having the contact information for the owners of STRs, and the issue of not knowing who to call within the Town.

Peter Cross – neighbors own two adjacent houses, live in one and rent the other. Some houses are a constant nuisance. He has been advised to call the PD for noise or if something happens, but they don't deal with zoning

or other issues, so it's difficult to figure out who to call. Suggestion: have a single call-in number that can get complaints to the appropriate department, not separate calls to zoning, PD, BOH, etc.

Deb Krau – like the old Citizens Resource Line for problem properties – one number to call, and the person looks into the complaint and gets back to the caller within 24 hours.

Laura – centralized record keeping, so we know where there are multiple complaints

Jen Cullum – Mechanism to complain, be heard, and have the problem solved must be integral to the solution. Must still be a complaint-driven system? Mentioned Amherst example of geocoded information for each parcel and that the Town will have a new Communications Director.

Laura – still need a Resource Line, maybe under the Communications Director.

Irene – feels bad about calling the PD, doesn't want to nag about people outside late at night making noise. Suggestion: need an increase in personnel to answer complaints and go to homes to investigate.

Laura – define STRs as a business, then there is the expectation that they shouldn't be operating in single-family residential neighborhoods.

Priscilla Jones – from West Barnstable; converting houses to STRs changes the character of the neighborhood. A lot of cities and towns have banned them.

Peter – this is not just a Hyannis issue, it's town-wide. "Start enforcing what's on the books."

Deb – we can let the Town Council know what we want, the key is that whatever it is, it has to be enforced.

Jane – the real issue is app-based rentals as distinguished from renting through local realtors. People used to rent over the summer by the week or month, then do a winter rental to help out a local.

Alan Feldman – would like to see STRs owner-occupied.

Felicia – wants to maintain the character of neighborhoods. Agrees that owner-occupied renting out a bedroom is fine, but how do you make sure the owner is there?

Laura – wants STRs eliminated from single-family residential neighborhoods, but the bigger issue is how do you convince the citizenry that whatever we come up with will be enforced.

Deb – STR ads for events at rental houses is another issue.

At this point in the meeting, there was general agreement that a one month minimum for a STR was acceptable. Using a principal residence for stays shorter than one month was also generally acceptable.

Irene – suggested putting a cap on the total number of STRs with the goal of preserving the housing stock for working people in town.

Deb – there should be a minimum stay so that STRs don't compete with hotels, which are for 1, 2, and 3 night stays. However, a lot of people vacation for a week or two on the Cape. A 30 day minimum stay would preclude that. A lot of people can't afford an entire month. We can accomplish the same with a 1 or 2 week minimum stay, that's part of the challenge.

Margot Pissicano – has been doing summer rentals since the 1990's. there are definitely fewer calls now because of Airbnb. Suggestion: 1 week minimum stay

Jane – main concern is preserving housing stock for year round residents. Banning STRs is not a good idea but suggests: capping the total number of STRs.

At this point in the meeting, the group began to work through the original list of 4 questions posed to all Civic Associations, reaching near unanimity on most of the questions. Responses to the questions are in red:

1. Are you at ease with that Short-Term Rental being owned the following different methods:

a) Owner Occupied

- Primary Residence but renting out rooms while owner is present  
Renting rooms for any amount of time, including 1 or 2 nights, is ok
- Primary Residence but renting out entire dwelling while owner is away  
1 week minimum stay, with seasonal and geographic restrictions (ie, the time of year when STRs can operate, and locations within town); only Ralph continued to want to see a 30 day minimum stay

b) 2<sup>nd</sup> Homeownership

- Owner rents dwelling when they are not using the unit  
1 week minimum stay, with seasonal and geographic restrictions (ie, the time of year when STRs can operate, and locations within town); only Ralph continued to want to see a 30 day minimum stay; Peter – providing all other applicable regulations apply and are followed.

c) Barnstable Resident

- Owner who is Barnstable resident may own multiple dwellings  
1 week minimum stay, with seasonal and geographic restrictions (ie, the time of year when STRs can operate, and locations within town); only Ralph continued to want to see a 30 day minimum stay

d) Investor Property (and how do you define Investors)

- Do you consider Family Trust/LLC who rents an investor property? Why or why not?  
Investor is defined as a "non-resident" and would include second homeowners. Same restrictions as above, and additionally, the owner would be required to identify a local agent to respond to complaints

For all of the above, owner and/or local agent contact information should be required to be given to all abutters and property owners within 300' of the rental property.

2. If a property were available for Short Term Rentals, as an abutter would you like to be notified?

Yes (unanimous) – 300' abutter and property owner notification

3. If short term rentals were allowed, what is the maximum number of weeks/year a unit should be allowed to be rented?

May-Sept, when we already know there will be no quiet enjoyment of our properties;  
12 weeks;  
Unlimited;

Unlimited only if there is a cap on the total number of STRs in Town;  
Unlimited only if it does not include STRs in single-family residential neighborhoods;

4. If short term rentals are allowed, what is the minimum length of stay that should be allowed?

Ralph: 30 days

Everyone else: 1 week, except no minimum when renting out a room when the owner is present.

Additional discussion ensued.

Laura – Suggestions: limit on the number of units allowed for an individual operator (for LLCs, etc.. this would include multiple corporations under common control); limit the number of unrelated adults; inspections every year.

Deb – Suggestion: single number for people to call, where issues are addressed and tracked; funds to cover the cost of monitoring and enforcing the program.

Jake Dewey – suggestion: require an updated Title V inspection for a STR certificate

There was unanimous agreement that there should be a Community Resource Line for residents to call regarding issues with STRs – one primary point of contact, tracking, and follow-up

Deb and Laura asked people to show up at meetings and hearings because it makes a difference.

Gordon Starr said he can't speak for the whole Council, but he is still listening and taking in information.

Chair of the Committee asked for a motion to adjourn, all members present voted in favor of adjournment.

ADJOURN: 6:55pm